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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Application of: Brines et al.

Application No.: 09/547,220

Group Art Unit: 1646

Filed: April 11, 2000

Examiner: Elizabeth C. Kemmerer

For: MODULATION OF EXCITABLE TISSUE
FUNCTION BY PERIPHERALLY
ADMINISTERED ERYTHROPOIETIN

Attorney Docket No.: 10165-006-999

**PRELIMINARY AMENDMENT UNDER 37 C.F.R. § 1.115 AND
RESPONSE TO RESTRICTION REQUIREMENT UNDER 37 C.F.R. § 1.142**

Assistant Commissioner for Patents
Washington, D.C. 20231

SIR:

In response to the Office Action dated June 29, 2001, and pursuant to Rules 115 and 142 of the Rules of Practice, please consider the remarks below. Applicants submit concurrently herewith: (1) a Petition to Extend Time (in duplicate) for a period of five months from August 29, 2001 up to and including Monday, December 31, 2001, accompanied by the appropriate fee; and (2) Exhibit A: the claims that will pending upon entry of the election made herein.